

In the Matter of:
Anne Dunn, et al vs
Patrick Barry, et al

Patrick Barry

June 11, 2019

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1 A. Yes.

2 Q. What do you know about Sam Dunn?

3 A. He's just a repeat offender, always in and
4 out of our department.

5 Q. Had you transported him before?

6 A. I could have. I don't know. I can't recall.

7 Q. So before this transport, you had heard about
8 Sam Dunn?

9 A. When I worked inside.

10 Q. Okay. Did you ever directly supervise him?

11 A. Yes.

12 Q. When was that?

13 A. I don't have an exact date. 2007, 2008,
14 somewhere around there.

15 Q. Had you had any personal interaction with
16 him?

17 A. He -- I may have. He was on my unit at the
18 time they -- that I had worked.

19 Q. Did he recognize you when you saw him at the
20 Newburyport Courthouse? Did he indicate he recognized
21 you?

22 A. Not that I recall.

23 Q. When you saw him at the Newburyport
24 Courthouse, was his behavior the same as it had been in

60

1 2007 when you supervised him?

2 A. No.

3 Q. What was different?

4 A. He seemed like he may have been under the
5 influence of some type of substance.

6 Q. Did you have an opinion as to what type of
7 substance it might be?

8 A. No, not -- not an exact.

9 Q. Okay.

10 MR. FRIEDMAN: Why don't we mark this as
11 the next exhibit?

12 (Exhibit 12 marked
13 for identification.)

14 Q. Look at Exhibit 12. This is an order for a
15 90-day commitment. Did you see this document that day?

16 A. Either me or my partner. Like I don't know.

17 Q. You would have received this at the
18 courthouse, correct?

19 A. One of us, yes.

20 Q. This is the order that allows you to take him
21 into custody and bring him to MASAC, correct?

22 A. Correct.

23 Q. Okay. And this document indicates that he
24 was to be receiving treatment for a substance abuse

1 disorder, correct?

2 A. Correct.

3 Q. It doesn't say anything about alcohol for

4 him, correct?

5 A. Correct.

6 Q. okay. There's a box for if it was an alcohol

7 abuse disorder or if it's both, right?

8 A. Yes.

9 Q. And the only box checked is that he had a

10 substance abuse disorder, correct?

11 A. Correct.

12 Q. So did that lead you to conclude that he was

13 under the influence of some sort of drug?

14 A. No. Just by my observation.

15 Q. okay. what was it -- what did you observe

16 that led you to that conclusion?

17 A. He seemed unsteady on his feet.

18 Q. And this is at Newburyport, correct?

19 A. Correct.

20 Q. Did you see anything else?

21 A. Not that I recall.

22 Q. Do you recall writing that he appeared to be

23 dazed?

24 A. I don't recall.

1 Q. Did you have any conversation with Sam Dunn
2 at Newburyport Court or while you were putting him into
3 the van to take him to the Essex County Correctional
4 Facility?

5 A. Not that I remember.

6 Q. Did you hear Officer Nguyen have any
7 conversation with him?

8 A. Not that I remember.

9 Q. Did you hear him have any conversation with
10 any of the other people who were in the van?

11 A. Not that I recall.

12 Q. Other than receiving this order, did you
13 learn any information about Mr. Dunn from court
14 officers, Newburyport Police or anyone else at the
15 Newburyport Courthouse?

16 A. No. Just the paperwork they had given us.

17 Q. And when you say that, that's only the order
18 of commitment I just showed you?

19 A. I don't know. He may have had paperwork from
20 the hospital, but I -- I can't remember everything that
21 was handed to us for paperwork.

22 Q. So it was more than just this order; is that
23 correct?

24 A. It could -- It could have been.